

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

Marcus Dumond, et al.,

Plaintiffs,

v.

Massachusetts Financial Services Co. and MFS
Fund Distributors, Inc.,

Defendants.

Civil Action No. 04-cv-11458 (RGS)

**JOINT MOTION AND [PROPOSED] ORDER TO TRANSFER
CASE FOR PRE-TRIAL COORDINATION**

Plaintiffs Marcus Dumond, Henry Berdat, Stuart V. and Rosemary Sturgess, Kathleen Blair, William and Margie Booth, Karen Peach, and Richard and Evelyn Keller (“Plaintiffs”), and defendants Massachusetts Financial Services Co. and MFS Fund Distributors, Inc. (“Defendants”), by their undersigned counsel, jointly move for the transfer of the above-referenced action to the docket of the Honorable George A. O’Toole, for coordinated pre-trial proceedings with *Forsythe v. Sun Life Financial Inc., et al.*, No. 04-CV-10584 (GAO), *Eddings v. Sun Life Financial Inc., et al.*, No. 04-CV-10764 (GAO), and *Koslow v. Sun Life Financial Inc., et al.*, No. 04-CV-11019 (GAO) (collectively, the “Forsythe Actions”), which also are pending against Massachusetts Financial Services Co. The parties agree that they will use their best efforts to coordinate all pre-trial proceedings in this action, including but not limited to scheduling, discovery and dispositive motions, with the Forsythe Actions in all respects.

Nothing in this joint motion, or plaintiffs’ assent hereto, shall be construed as a waiver of, and this joint motion shall be without prejudice to, plaintiffs’ Opposition to Motions for Consolidation and Appointment of Lead Counsel pending in the Forsythe Actions.

Respectfully submitted,

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Respectfully submitted,

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Distributors, Inc.

Dated: August 11, 2004

SO ORDERED:

The Honorable Richard G. Stearns
United States District Judge

CERTIFICATE OF SERVICE

I, Jonathan A. Shapiro, hereby certify that I caused a copy of the foregoing *Joint Motion and [Proposed] Order to Transfer Case for Pre-Trial Coordination* to be served by first-class mail on the following:

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